

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RYAN FRANKLIN¹,

Plaintiff

Case No. 3:22-cv-00445-ART-CSD

ORDER

v.

WASHOE COUNTY, *et al.*,

Defendants

I. DISCUSSION

On October 6, 2022, Plaintiff, an inmate in the custody of the Washoe County Detention Facility, submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents,

¹ Based on the filings submitted to the Court, it appears that Plaintiff's name is "Franklin Ryan," not "Ryan Franklin." (*E.g.*, ECF No. 1-1 at 1). Below, the Court directs the Clerk of the Court to correct the docket to reflect that Plaintiff's name is Franklin Ryan.

1 or in the alternative, pay the full \$402 filing fee for this action on or before **December 12,**
 2 **2022**. Absent unusual circumstances, the Court will not grant any further extensions of
 3 time.

4 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
 5 with all three required documents or pay the full \$402 filing fee on or before **December**
 6 **12, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new
 7 case with the Court when Plaintiff is either able to acquire all three of the documents
 8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
 9 \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 11 case with the Court, under a new case number, when Plaintiff has all three documents
 12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
 13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 14 full filing fee of \$402 on or before **December 12, 2022** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 16 will not file the complaint unless and until Plaintiff timely files a fully complete application
 17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 20 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 21 as the document entitled information and instructions for filing an *in forma pauperis*
 22 application.

23 IT IS FURTHER ORDERED that on or before **December 12, 2022**, Plaintiff will
 24 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
 25 the \$52 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
 27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
 28 signatures on page 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402
7 filing fee for a civil action on or before **December 12, 2022**, this case will be subject to
8 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
9 number, when Plaintiff has all three documents needed to file a complete application to
10 proceed *in forma pauperis* or pays the full \$402 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No. 1-1) but will not file it at this time.

13 IT IS FURTHER ORDERED that the Clerk of the Court will correct the docket in
14 this action to reflect that Plaintiff's name is "Franklin Ryan."

15 DATED: October 11, 2022.

16 
17 _____
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28